

UNITED STATES OF AMERICA  
EASTERN DISTRICT OF NEW YORK

D/F

UNITED STATES OF AMERICA

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ SEP 30 2005 ★

ORDER

-against-

CR-02-1280(ARR)

P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

WINSTON BRISTOL

Defendant.

-----X  
ROSS, United States District Judge:

By order dated 4/25/2005, the Court of Appeals for the Second Circuit remanded this case for further proceedings pursuant to United States v. Crosby 37 F. 3d 103 (2d Cir.2005).

Accordingly, it is hereby

ORDERED that the defendant serve and file any motion for re-sentencing with courtesy copies to chambers, together with a letter brief or memorandum detailing the reasons supporting the request, within twenty-one days of the date of this order. Failure to so move will be considered a decision not to seek re-sentencing, unless just cause for the delay is show. It is further

ORDERED that the government serve and file any opposition to such motion, including supporting reasons, with courtesy copies to chambers, within ten (10) days of receipt of defendant's motion. It is further

ORDERED that the court will schedule a hearing on the motion with counsel

c/m

present in court and may, in appropriate circumstances, direct that the incarcerated defendant be present by telephone from prison. The court will not routinely produce defendants for Crosby motions. It is further

ORDERED that if a resentence is ordered, the defendant will be produced in person in court on a date scheduled by the court. It is further

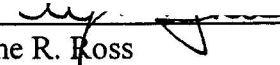
ORDERED that counsel for defendant file all papers concerning the resentence at least fourteen (14) days prior to the scheduled sentence date and that counsel for the government serve any answering papers at least seven (7) days prior to that date. It is further

ORDERED that unless defendant was represented by privately retained counsel, counsel for the defendant at the original sentence is appointed under the Criminal Justice Act to represent the defendant at the post-remand hearing and at the re-sentencing, should it be ordered. If a defendant or counsel is not satisfied with this arrangement, the court shall be promptly notified with an indication of what other arrangement is sought and why. As directed, counsel are expected to submit briefs on the motion to decide whether a new sentence is required, and also on the re-sentencing, should one go forward, in accordance with the schedule set forth above. Arrangement will be made for any necessary private telephone consultation between the incarcerated defendant and counsel at the hearing.

The United States Attorney and the warden of the prison where the defendant is incarcerated are respectfully requested to assist counsel in consulting by telephone with their

clients before the hearing and to cooperate in making defendants available by telephone for the hearing when requested to do so.

SO ORDERED.

  
\_\_\_\_\_  
Allyne R. Ross  
United States District Judge

Dated: Brooklyn, New York  
September 6, 2005